

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)
)
Equal Access and Interconnection)
Obligations Pertaining to)
Commercial Mobile Radio Services)

CC Docket No. 94-54
RM-8012

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COMMENTS OF AMERITECH

Ameritech submits these initial comments in response to the Commission's Notice of Proposed Rulemaking and Notice of Inquiry in the above captioned docket.¹ These initial comments will deal broadly with the Commission's proposal concerning proposed equal access obligations for commercial mobile radio services ("CMRS") and interconnection obligations for local exchange carriers ("LECs") and CMRS providers.

* * *

For reasons of regulatory symmetry, Ameritech supports the Commission's tentative conclusion to impose equal access obligations on all cellular service providers.² As the Commission has noted previously, it was clearly the intent of Congress in passing the 1993 amendments to Section 332 of Title 47 of the US Code that similar mobile services be accorded similar regulatory treatment.³ Clearly, to the extent that a significant number of cellular carriers are currently under the equal access obligations imposed by the AT&T divestiture consent decree ("MFJ"), principles of regulatory symmetry would dictate that other cellular providers be under like obligations.

¹In the Matter of Equal Access and Interconnection Obligations Pertaining to Commercial Mobile Radio Services, CC Docket No. 94-54, Notice of Proposed Rulemaking and Notice of Inquiry, FCC 94-145 (released July 1, 1994) ("NPRM").

²Id. at ¶ 36.

³See, In the Matter of Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services, GN Docket No. 93-252, Second Report and Order, FCC 94-31 (released March 7, 1994) ("Second R & O") at ¶ 13.

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Moreover, the revised legislation provides that, in proposing any regulation, the Commission may base a public interest finding on the extent to which the proposed regulation will promote competitive market conditions.⁴ At a minimum, imposing like regulatory obligations on those carriers that directly compete with each other will certainly “promote competitive market conditions” by ensuring that no one competitor has any unique regulatory cost disadvantage vis a vis another competitor.

Similarly, Ameritech supports the Commission’s tentative conclusion that the equal access obligation includes the provision of “1+ access or other abbreviated forms of nondiscriminatory access to the mobile customer’s chosen interexchange carrier.”⁵ Such is the requirement that exists for BOC-affiliated cellular providers today. Similar requirements should exist for the rest of the cellular industry as well, so that no cellular carrier or group of carriers has any particular regulatory advantage in this regard.

The application of equal access obligations to other CMRS providers is a closer question. Certainly, to the extent that certain types of CMRS applications such as wide-area specialized mobile radio (“SMR”) services and broadband personal communications services (“PCS”) stand as significant potential competition for cellular offerings, the above principle would argue for the application of an equal access obligation.⁶ However, as the Commission itself noted, there are other CMRS applications, such as one-way paging, for which an equal access obligation would not be meaningful.⁷

⁴47 USC § 332 (c)(1)(C).

⁵NPRM at ¶ 85.

⁶In addition, as was the case with cellular services, to the extent that a significant number of PCS providers are BOC-affiliates with MFJ-imposed equal access obligation, symmetrical regulation would require the same of other PCS licensees.

⁷NPRM at ¶ 47.

* * *

With respect to the interconnection obligations of LECs, the Commission should retain its current approach -- i.e., not requiring the tariffing of interconnection arrangements, but rather permitting LECs and CMRS providers to negotiate the rates, terms and conditions of interconnection on a good faith basis. As the Commission noted, the current system applicable to cellular interconnection has served the industry well.⁸ Moreover, there is a consensus among both LECs and cellular carriers that the current negotiation process has resulted in lower rates for interconnection, as well as service arrangements that are better tailored to the cellular carriers' needs.⁹ There is no reason to believe that the process will not ultimately prove to be satisfactory for interconnection arrangements with other CMRS providers as well. The flexibility inherent in the process can be particularly beneficial in the case of interconnection for new mobile services for which the technology, and therefore the interconnection requirements, have not stabilized.

Further, the Commission should not require the inclusion of "most favored nation" clauses in interconnection agreements. Ameritech is concerned that such imposed provisions would only result in disputes over their applicability in potentially dissimilar situations. A requirement to file interconnection agreements with the Commission would itself constitute a sufficient guard against unreasonable discrimination without the need to impose any specific terms on the parties. Knowing what has been negotiated previously, the parties will have an opportunity to address any items they deem appropriate in their new negotiations.

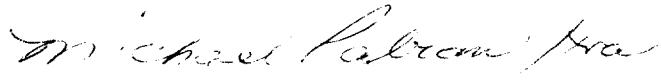
⁸Id. at ¶ 114.

⁹Id.

* * *

With respect to the interconnection obligations of CMRS providers, the Commission should refrain from imposing specific obligations of this sort. As the Commission itself noted, CMRS providers cannot be said to occupy "bottleneck" positions.¹⁰ Since all CMRS providers will have access to the public switched network in any event, the Commission should let the marketplace determine whether, and under what terms and conditions, interconnection between CMRS providers is appropriate. In their efforts to provide better services to their customers, CMRS providers may determine that direct interconnection with other CMRS providers is desirable. Until a real "problem" develops in this area, it would be premature for the Commission to adopt regulations that could skew marketplace decisions.

Respectfully submitted,



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¹⁰Id. at ¶ 124.